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OFFICE OF PETITIONS

In re Application of  
Harniman et al.  
Application No. 09/716,114  
Filed: November 14, 2000  
Attorney Docket No. 3553-4067US1

DECISION DISMISSING  
PETITION

This is a decision on the petition filed on June 4, 2001, in effect requesting that a Notice of Omitted Items in a Nonprovisional Application ("Notice"), mailed on April 3, 2001 for the above-identified application, be withdrawn.

The petition is DISMISSED.

The application was filed on November 14, 2000. However, on April 3, 2001, the Initial Patent Examination Division mailed the Notice stating that the application had been accorded a filing date, and advising Applicants that Figures 5a, 5b, 5c, 6a and 6b<sup>1</sup> described in the specification appeared to have been omitted from the filed application.

In response, the present petition was filed wherein Petitioners contend that the allegedly omitted Figures 5A-6B were in fact filed on November 14, 2000 along with the remainder of the application. Petitioners explain that the sheets of drawings containing these figures were inadvertently not labeled.

The Office file for this application includes 5 unlabeled sheets of paper, between the sheets of drawings containing Figures 4 and 7, that appear to match the descriptions in the Specification.<sup>2</sup> Since it is now clear from the petition that no drawings were actually missing from the November 14, 2000 application, and that Applicants do not intend to file any additional sheets of drawings, the application will be examined using the 14 sheets of drawings filed on November 14, 2000.

However, the April 3, 2001 Notice was correct in advising Applicants that Figures 5A, 5B, 5C, 6A and 6B appeared to have been omitted. Therefore, this Notice was properly mailed and will not be withdrawn. The petition is thus dismissed.

A preliminary amendment adding the appropriate labels to the unlabeled figures should be filed

<sup>1</sup> The apparently omitted figures should have been noted as Figures 5A, 5B, 5C, 6A and 6B; see note 2, *infra*.

<sup>2</sup> Page 4 of the Specification, Brief Description of the Drawings: "FIGS. 5A-C comprise an exemplary e-mail template including an automobile rental opportunity notification . . . click through link . . . ; FIGS. 6A-B comprise an exemplary jump page including an automobile notification opportunity notification . . ."

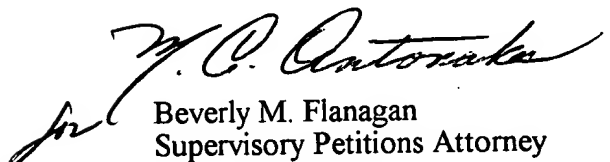
prior to first Office action on the merits.

Since the present petition was not necessitated by any error on the part of the Office, the \$130 petition fee has been charged to Deposit Account No. 13-4500 as authorized.

In addition, there is no indication that the registered practitioner signing the present petition was ever given a power of attorney or authorization of agent to prosecute this application. Moreover, a correspondence address different from that in the November 14, 2000 Power of Attorney is used. If this practitioner desires to receive future correspondence regarding this application, an appropriate power of attorney or designation as well as a change of correspondence address must be submitted. While a courtesy copy of this decision is being mailed to this practitioner, all future correspondence will be directed to the current address-of-record until such time as appropriate instructions are received to the contrary.

The application is being returned to the Initial Patent Examination Division for further processing with a filing date of November 14, 2000, using the 14 sheets of drawings filed on that date.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.

  
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for Patent Examination Policy

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